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7 [Additional counsel listed on signature block]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

11 GREGORY BROD, individually and on behalf of all others similarly situated,) Case No. CV 12 01322 EMC
12)
13 Plaintiff,) **STIPULATION FOR CONTINUANCE OF
14) HEARING ON MOTION TO DISMISS
15) FILED BY SIOUX HONEY ASSOCIATION
16) COOPERATIVE AND CASE
17) MANAGEMENT CONFERENCE ; ORDER
Defendants.) Date: July 19, 2012
) Time: 1:30 p.m.
) Dept.: Courtroom 5-17th Floor
) Judge: Hon. Edward M. Chen**

18 **WHEREAS** Defendant Sioux Honey Association, Cooperative's Motion to Dismiss
19 Pursuant to Fed. R. Civ. P. Rules 12(b)(1) and 12 (b)(6), is set for hearing on July 19, 2012 at 1:30
20 p.m. The Court has also scheduled a case management conference for the same date and time.

21 **WHEREAS** Robert Lax, one of Plaintiff's counsel, has been designated as Plaintiff's
22 representative to present oral argument on Defendant's Motion to Dismiss.

23 **WHEREAS**, Mr. Lax's flight from JFK International Airport has been delayed due to a
24 major hail and thunder storm at the airport and it is uncertain at this time whether his flight will
25 leave tonight or not.

1 court issue an order permitting a brief continuance of the hearing on Defendant's Motion to Dismiss
2 and the case management conference.

3 SO STIPULATED.
4

5 Dated: July 18, 2012

HINSHAW & CULBERTSON LLP

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8 /s/*David Ian Dalby*
9 Attorneys for Defendant Sioux Honey Association
10 Cooperative
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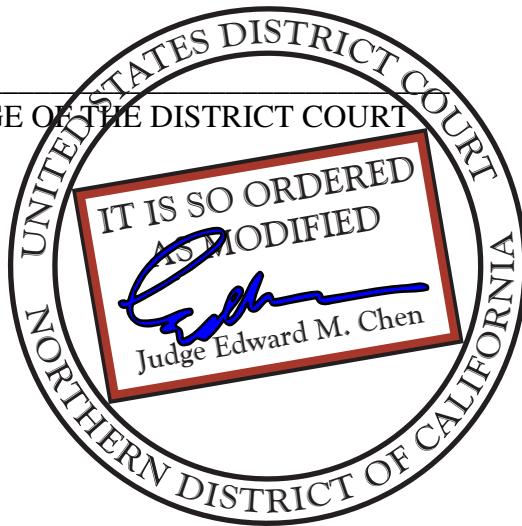
Dated: July 18, 2012

KAPLAN FOX & KILSHEIMER LLP

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13 /s/*Linda Fong*
14 Attorneys for Plaintiff Gregory Brod
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16 PURSUANT TO STIPULATION, IT IS SO ORDERED that the motion to dismiss
17 and CMC are reset to 8/10/12 at 1:30 p.m.

18 Dated: July 18, 2012

19 JUDGE OF THE DISTRICT COURT



DECLARATION OF LINDA M. FONG

I, Linda M. Fong declare,

1. I am an attorney licensed to practice in the State of California and I am admitted to practice before this court. I have personal knowledge of the facts recited in this declaration and could competently testify thereto if called upon to do.

2. Co-counsel Robert Lax is Plaintiff's representative designated to present oral argument on behalf of Plaintiff in opposition to Defendant's motion to dismiss, currently scheduled for hearing on July 19, 2012 at 1:30 p.m. I have conferred with co-counsel Robert Lax several times today, including most recently at 3:00 p.m. PST, and he has informed me that due to a major hail and thunder storm it is uncertain if his plane will depart tonight or not. If the Court intends to reset the hearing next week, Mr. Lax is available on July 23, 24 or 25, 2012.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: July 18, 2012

/s/ Linda M. Fong

ATTESTATION

I, Linda M. Fong, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on file the concurrences for any signatures indicated by a “conformed” signature (/s/) within this efiled document.

By: s/ Linda M. Fong

Linda M. Fong